

### **V. REMARKS**

The United States Patent and Trademark Office objects to the abstract of the disclosure because it contains more than one paragraph and because it exceeds 150 words in length. A substitute Abstract of the Disclosure is filed herewith to overcome the objection. Withdrawal of the objection is respectfully requested.

The United States Patent and Trademark Office objects to the disclosure because of informalities. The specification is amended as suggested by the Examiner and as shown above. Withdrawal of the objection is respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as unpatentable over Hotta et al. (U.S. Patent No. 5,576,892) in view of Goto (Japan 52-66446). The rejection is respectfully traversed.

Hotta teaches a variable power optical system that can be used as binoculars. The binoculars has an objective optical system and an eyepiece optical system that includes at least one variable power lens group which is driven to move in an optical axis direction in the eyepiece optical system, a movable field stop which is provided to define the field of view so as to move in the optical axis direction independently of the variable power lens group and a driving means for moving the movable field stop in association with the movement of the movable variable power lens group in the optical axis direction along a track different from the track of the movement of the movable power lens group. Another variable power lens group is also provided in the objective optical system so that the variable power lens group can be moved in the optical axis direction in association with the variable power lens group in the eyepiece optical system.

Japan 446 teaches a visibility corrector for zoom binoculars. The purpose of this invention is to compensate the variation in the visibility owing to zooming by moving forward or backward the entire eyepiece moved by a zoom mechanism for the preset visibility correcting quantity along the optical axis at the time of zooming.

The United States Patent and Trademark Office cites JP(A)52-66446 because it teaches "moving forward or backward the entire eyepiece moved by a zoom mechanism for the preset visibility correcting quantity along optical axis at the time of zooming in order to compensate the variation in the visibility owing to zooming". It

further states that it would have been obvious to one skilled in the art at the time the invention was made to modify the binocular provided by Hotta et al. by moving the whole eyepiece lens system as suggested by Goto for the purpose of compensating the variation in the visibility at the time of zooming.

It is respectfully submitted that the word "visibility" in the Goto reference has nothing to do with keeping a high resolution over a wide magnification range. Goto et al. means by the expression "to adjust visibility" to slightly adjust the magnification by taking the user's eyesight into account. The invention by Goto et al. handles the problems associated with the situation where the visual power of the left eye is different from that of the right eye. The following is an example: The user first adjusts the visibility at a high magnification. Usually, he adjusts the focus based on his right eye and then does a finer adjustment with respect to his left eye. However, this finer adjustment becomes out of fix during zooming. The invention by Goto et al. intends to remove this problem. In the binoculars of Goto et al., when the ocular lenses are moved, the visibility of adjusting lenses, associated the ocular lenses by means of cams, are automatically moved. Thus, by the expression "moving forward or backward the entire eyepiece", Goto et al. means to move the ocular lenses and the visibility adjusting lenses together.

Claim 1, as amended, is directed to a pair of variable-powered binoculars that includes a pair of objective lens systems, a pair of prism systems with each of the prism system inverting an image that advances through a corresponding objective lens system, from an inverted image to an erecting image, a pair of concave adjusting lenses with each of the concave adjusting lenses placed between a focus formed by the corresponding objective lens system and the corresponding prism system, so that each of the concave adjusting lenses is movable along the optical axis formed by the corresponding objective lens system and the corresponding prism system and a pair of ocular lens systems with each of the ocular lens systems placed on the optical axis and defining an apparent image forming plane, so that each ocular lens system is movable along the optical axis closer to or away from the corresponding concave adjusting lens, synchronizing with a movement of the corresponding concave adjusting lens. Claims 1 recites that a respective one of the apparent image forming planes is fixed in a stationary state relative to the respective ocular lens system yet movable relative to a respective one of the concave adjusting

lenses as each corresponding ocular lens system and each corresponding concave adjusting lens move closer to or away from each other.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 1 as amended. Specifically, it is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests a respective one of the apparent image forming planes is fixed in a stationary state relative to the respective ocular lens system yet movable relative to a respective one of the concave adjusting lenses as each corresponding ocular lens system and each corresponding concave adjusting lens move closer to or away from each other. Thus, it is respectfully submitted that one of ordinary skill in the art would not be motivated to combine the features of the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 2-4 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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Enclosure(s):        Petition for Extension of Time (one month)  
                             Abstract of the Disclosure

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